

country. Our economic prosperity requires that undocumented immigrants—5 percent of all workers in the United States—join the legal economy.

The PRESIDING OFFICER. The Senator has used his additional 4 minutes. There is 13 minutes remaining.

Mr. KENNEDY. Mr. President, I see my friend from Illinois here. I am going to take 1½ more minutes, and then I will yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, countless American families want their undocumented relatives to have the opportunity to become residents. One million immigrants rallied in communities across the country last week, and the crowds included thousands of families waving American flags and celebrating America as their adopted homeland.

No one believes in amnesty for these immigrant workers and families, but we do believe in giving them a chance to earn—earn—legal status. That is the difference. Amnesty is a pardon. We are not pardoning any undocumented immigrants. What we are basically saying is: Come out of the shadows, pay a fine, pay your taxes, learn English, and after all those who are in line to come to the United States at the present time and have come to the United States, go to the back of the line and work your way to citizenship by playing by the rules. There are 70,000 permanent resident aliens who are serving in Iraq and Afghanistan. If you don't play by the rules, then you are subject to deportation. That is earning legal status, and that is the process we follow.

All undocumented immigrants deserve this chance, but only those who pay the stiff fines, work for 6 years, pay their taxes, learn English and pass a civics test will be permitted to remain in the United States.

Today, we embark on a historic debate. We have an opportunity to correct these historic wrongs. I look forward to the coming debate. Together, let us move forward, not backward, on genuine immigration reform.

Mr. President, I have been here when Republicans and Democrats have come together to accept the challenge of an issue that is not going away. This issue is not going away. We now have Republicans and Democrats working together. The President has talked about this issue as well. Surely we ought to be challenged to find a way where this Nation can make progress with Republicans and Democrats and hopefully even the administration working together to help do something that is sensible, responsible, workable, humane, and consistent with our national traditions.

I yield back whatever time is remaining.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

#### EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Mr. President, my colleague from Iowa has come to the floor and wants 15 minutes to speak. I ask unanimous consent for 5 minutes and my colleague from Iowa 15 minutes and that morning business be extended the necessary time for that to occur, and an equal amount offered to the other side, if they care to use it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. So it is my understanding, Mr. President, that after I speak for 5 minutes, the Senator from Iowa will be recognized for 15 minutes.

Mr. HARKIN. I thank the Senator.

#### IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts who has just spoken. Senator KENNEDY has led so many important fights in the Senate. This may be one of the most historic. We know our immigration system is broken. It just does not work.

In my office in Chicago, almost 90 percent of all of the work we do is on immigration. The stories will break your heart. There are people who have come to this country and, for reasons that often cannot be explained, are not in legal status today. As Senator KENNEDY said, approximately half the undocumented people in America arrived here legally. What happened? They were going to school on a visa and they didn't take the necessary course work to be a full-time student. They lost their legal status. They were part-time students. They started again as full-time students, and they are undocumented as a result, or they came and stayed beyond their visas or they came into circumstances that, frankly, created family situations so they could not leave: A woman falls in love with an American citizen, is married, and has children. Her husband is an American citizen, all her children are American citizens, but she is not. She is an undocumented person in this country.

But let me tell you one story or one group of stories that I think dramatizes some of the injustices of the current system that I think should be addressed. A few years ago, Senator ORRIN HATCH and I worked together in a bipartisan effort to pass what is known as the Dream Act. Senator HAGEL, Senator LUGAR, and I are now cosponsoring it on a bipartisan basis. It came to my attention because we got a phone call from a woman in Chicago, a Korean-American woman who works at a dry cleaners in Chicago 12 hours a day. She said she had a problem. Her problem was her daughter, who came to the United States at the age of 2 and became a musical prodigy. She played the symphony piano by the age of 8. She has played with the Chicago Symphony. She is an amazing, talented musician.

She was recruited by Julliard School of Music—the best in America—to develop her skills as a musician. When she started to fill out the application, she turned to her mother and said: It says here: Nationality. American, right? And her mother said: No, we never filed your papers. And here she was, a bright future ahead of her, and she called my office and said: What am I to do? We called the Immigration and Naturalization Service and they said: The answer is obvious. She has to go back to Korea.

Back to Korea? She had been in this country for 16 years. Through no fault of her own, she was not a documented citizen or in legal status. She had fallen through the cracks, one of the 11 million.

Let me tell you another story. It is about Diana, who was brought to Chicago at the age 6 by her family from Mexico. Diana is undocumented. She has lived her entire life in the United States. There is a 50-percent dropout rate among undocumented students in America—50 percent. She didn't drop out of school; she did the opposite. She stayed in school and made the dean's list all through high school. She graduated with a 4.4 average out of 4.0, taking advanced placement classes to pursue her dream of being an architect. She was accepted at Northwestern University and was so excited. She came to learn that because she was undocumented, she couldn't get financial assistance. She couldn't go to Northwestern. She went to another college. She is still trying to be an architect.

Tell me: Is America a better place if those two girls leave or is it a better place if they stay?

The Dream Act gives young people such as that a chance, people who came to the United States, young people, through no decision on their own—their parents made the decision. They did the right thing, followed the rules, didn't break any laws, went to school, were good students, studied, aspired, and dreamed of the opportunity in this country, and then learned, to their bitter disappointment, they were reaching a point where they could not pursue their education.

The Dream Act says this: If you are one of those people, if you have been here 5 years or more, if you entered the country under the age of 16, if you are in high school, you have a chance, and the chance is this: Complete high school and then either 2 years in college or a college degree in the next 6 years, or serve in our military for 2 years, and we will then give you a chance to start a long path toward citizenship. That is important.

I can't tell you the people who come up to me in the city of Chicago, students, for example, who are undocumented, who want to teach. We need them so badly. They want to teach math and science and critical languages. Yet, being undocumented, they can never be licensed to teach in my State of Illinois or virtually any other State.

Should these young people have a chance? Should they be allowed now to become part of America and our future? I think they should. The Dream Act is part of this immigration reform, and I urge my colleagues to support it. I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, first let me commend Senator DURBIN for his leadership on the Dream Act and making sure that it is now a part of the bill that came out of the Judiciary Committee. I was a cosponsor of that Dream Act, and I support it being a part of the bill.

For me, the current debate on immigration strikes very close to home. Those words at the base of the Statue of Liberty, "Give me your tired, your poor, your huddled masses, yearning to breathe free," have a profound personal meaning to me.

On my wall in my office, I have a picture of the house in which my mother was born and raised until she was 20 years of age in the small town of Suha, Slovenia. It is a small house with a dirt floor. Yes, my mother was born and raised in a house with a dirt floor until she was aged 20. Then she got steerage on the SS Argentina and came to America. She was going to land at Ellis Island, but landed in Boston because of bad weather. I have a copy of the documentation from when my mother landed here in America, it had her name and where she was from, and what she owned. She had one suitcase, a train ticket to Des Moines, IA, and \$7. That is how my mother came to America. When she came, though, she was welcomed into the American community. She got married, obviously raised a family. She has since obviously passed away, but she became a productive citizen, a loyal American who gave a lot back to her adopted homeland.

I know the current debate has stirred up a lot of passions, but this is nothing new. Across the centuries, successive waves of immigrants—Germans, Irish, and again on my father's side my great-grandfather, who was an immigrant from the northern part of Ireland; Chinese, Italians, Greeks, others—every time they have come here they have aroused strong emotions. But in every case, Americans eventually rose above their economic fears and ethnic prejudices. We were true to those Statue of Liberty words and, as a result, America has become stronger and richer and fairer. We are indeed the envy of the world.

Today, once again, we are in the midst of a difficult and often emotional national debate about immigration. I am optimistic that we can arrive at a bill that addresses legitimate national security and law enforcement concerns, while also being faithful to our tradition and history as a nation of immigrants. I commend the senior Senator from Pennsylvania, Senator SPECTER, for his skill and leadership in reporting a bipartisan bill from the Judiciary Committee that takes us in the right direction. I want to commend his rank-

ing member, Senator LEAHY, and Senator KENNEDY for his strong work on getting this bill through and making it a decent, fair, but yet strong bill to protect our national security and to protect our law enforcement in this country.

My State of Iowa, I am proud to say, has a long history of welcoming new immigrants. We have a growing immigrant Muslim population from Asia and the Middle East. In fact, Cedar Rapids, IA, is home to the oldest mosque in America, and we are proud of that. A quarter of a century ago, responding to the plight of Vietnamese and Laotian boat people, former Governor Robert Ray introduced programs to bring more than 30,000 of these refugees to our State. Because of his courageous humanitarian leadership, thousands of Iowans opened their homes and their hearts to these new immigrants.

More recently, tens of thousands of immigrants have come to Iowa from Latin America and elsewhere. They have come here in search of two things: work and freedom. Work, in order to feed and clothe their families; and freedom, to learn and to develop their talents, and to grow. In most cases, they have found work. The Iowa economy is hungry for immigrants who are willing to do jobs that basically are physically demanding, oftentimes dangerous, one example, of course, being the meat packing industry.

But not all of these new immigrants have found freedom—the freedom to learn and to grow and to develop their talents. Earlier this month, at United Trinity Methodist Church in Des Moines, I met with a group of new immigrants, an undocumented family. They told me about the hardships they face. They live in constant fear. They live in the shadows. What do they want? They want to become loyal, contributing Americans, to pursue the American dream, to contribute as my mother did, as my great-grandfather and his descendants did, to building this country we call America. But, instead, they are living an American nightmare of anxiety, exclusion, and exploitation.

So it is time for us to find a constructive and positive way to bring these people out of the shadows and into the sunlight. One thing we all agree on is that the current immigration system is broken and needs reform. It is totally out of sync with today's social and economic realities. It is time to come up with a just and fair immigration system, one true to our values and our tradition. I know we can come up with a bill that is a win-win for all of us.

To that end, we need at least three things: One, we need tough, consistent, effective enforcement of reformed immigration laws. Two, we need to enforce sanctions against employers who hire immigrants unauthorized to work. Three, we need a temporary worker program with documentation that gives immigrants a reasonable path to

earning full American citizenship. As Senator KENNEDY said earlier, we are not talking about amnesty. That would be wrong. We are talking about a process of earned legalization, giving people who are here a practical way to earn citizenship by working, paying taxes, paying a fine, learning English.

We need to deal with the reality before us. We have 11 million to 12 million undocumented people in this country, many of whom—as we listened to Senator DURBIN talk about—have lived here for many years, and many who came here as young children, as babies. Many of them who are here have children. They have other family members who are U.S. citizens. They are contributing to our prosperity. They are making a big contribution to our society. They may be undocumented; they may be living in the shadows; but make no mistake: They are *de facto* members of our American community. They are integrated into the fabric of our national life. They are filling jobs that, in most cases, go unfilled, and they are not going away. Frankly, we would face huge problems if they did. As the U.S. Chamber of Commerce said recently: "If you kick out 11 and-a-half to 12 million people, it will bring our economy to a screeching halt."

So let us acknowledge the reality. Let's establish a legal framework within which these immigrants can work and learn English and pass security background checks, pay a fine, the penalties that are necessary, and then earn the right to eventually become a U.S. citizen. At the same time, let's not delude ourselves with so-called simple solutions that are unworkable, unaffordable, or just plain mean-spirited. For example, the House has passed a bill that calls for criminalizing undocumented immigrants, rounding them up and deporting them, and charging with crimes anyone who might help, including clergy and church members.

Does anyone seriously believe we can round up 11 million to 12 million undocumented immigrants? Who is going to do it? Are we going to spend the \$140 billion it would take to hire a vast army of agents to do this? And even if it were physically possible to round up 12 million people, how do you do it humanely? For example, would we be willing to break up families? Would we deport mothers and fathers but allow their U.S. citizen children to remain here? Would we deport an undocumented immigrant who is here, married, has children? Would she or he take the children with them, or leave them here? What is going to happen to all these people? How do you deal with this humanely?

Others advocate we spend tens of millions of dollars to build a 700-mile wall, a fence, across our southern border. That is nonsense. Did the Great Wall of China work? Maybe for a month or two. Think of the Berlin Wall. Just remember the Berlin Wall. And think about a wall between the United States

and Mexico. Now we are going to build a wall across the Canadian border, too? Let's get serious. This is nonsense, absolutely nonsense.

And does anyone want to talk about those who come to the U.S. and overstay their visas? There are an estimated 4 million people in the United States who have overstayed their visas. They get visas, they are here, they are working. They overstay their visa and do not go back to their home countries; they decide to stay here illegally.

It is time to acknowledge why immigrants continue to come across our border, making enormous sacrifices, risking their lives. They are coming for economic opportunity to better themselves and to reunite, a lot of times, with their families. In other words, they are coming for exactly the same reasons that my mother came to America—to get reunited with family members who were here, to work, to raise a family, to better her life and to better the lives of her children. The difference is they are coming now as undocumented because we failed to create a documented, legal avenue for our economy to get the workers we need. It is not their fault, it is our fault—because we have not designed a good immigration system.

We have heard it said that undocumented immigrants drive down wages for American citizens at the low end of the economic scale. According to this argument, undocumented immigrants are so desperate to work for the minimum wage or less, they will tolerate harsh, unsafe working conditions. Unfortunately, there is a lot of truth to that argument. So what is the answer, kick them out? No. The answer is to bring them out of the shadows. If they are given documentation and legal status, then employers will have to pay them a decent wage and treat them fairly. This will raise the floor. It will raise wages at the bottom rungs of the ladder, and this will benefit all American workers.

There is another huge cost and danger to allowing the status quo to continue. The current system has driven undocumented workers deep underground. We are not able to document, track, or control who is within our borders. This is the ideal environment for al-Qaida and others who aim to penetrate our society. Because of our preoccupation with chasing down undocumented immigrants, we are diverting scarce resources from addressing the real threats to our national security, and this needs to change. Instead, we are tracking down gardeners and dishwashers, let's focus on those who really want to do us harm.

Throughout America's history, the subject of immigration has lent itself to fearmongering, demagoguery, and simplistic so-called solutions. But to our credit—and to America's great social and economic benefit—we have listened to the better angels of our nature. We have refused to slam the door. We have been true to our tradition as a nation of immigrants.

Today, once again, we are challenged to rise above fear and prejudice and to do the right thing. Legally or illegally, immigrants will continue to come to America as they have for four centuries. We need smart immigration reform, reform that will protect our borders, crack down on employers who hire those who are unauthorized to work, while creating a guest worker program that gives immigrants the opportunity to earn legalization and to have family reunification.

In closing, I commend the Judiciary Committee for sending to the floor a bipartisan bill that would accomplish these important things. It would bring undocumented immigrants out of the shadows so we know who they are, where they live, where they are from, and so we can identify any who could be a threat to our homeland security. It would allow earned legalization for those who pass security background checks.

It is going to take more than 10 years for an undocumented immigrant to demonstrate that he or she is a person of good moral standing, is paying taxes, learning English, and has paid the necessary fines. These people will not jump ahead of anyone who is already in line for citizenship. I want to stress that point. There is a thought: Oh, they will get in front of everybody. That is not true, not under the bill from the Judiciary Committee. They would work 6 years before they could apply for legal permanent residency or green card status, and after that they would work for another 5 years before they could apply for citizenship. During this process, they would have to pay a fine, and with those fines would help pay for this system.

Last, we don't need a wall around our borders. We can use unmanned aerial vehicles, sensors, guard posts. We can do this without building a wall, and we can protect our borders much better than we are doing now. That is what is in the Judiciary bill. It is an excellent starting point.

Again, I commend Senator SPECTER and the committee. They have done a great service to the Senate and to our country. I hope this Senate will do the right thing in passing that bill.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this point, morning business is closed.

#### LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2349, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2349) to provide greater transparency in the legislative process.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENTS NOS. 2930, 2965, 2995, EN BLOC

Mr. DODD. Mr. President, on behalf of Senator OBAMA, of Illinois, I ask that it be in order to call up three amendments, and once the amendments are reported, that they may be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I call up amendments No. 2930, No. 2965, and No. 2995.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. OBAMA, proposes amendments numbered 2930, 2965, 2995, en bloc.

The amendments are as follows:

#### AMENDMENT NO. 2930

(Purpose: To clarify that availability of legislation does not include nonbusiness days)

On page 5, line 21, after "hours" insert "or 1 business day, whichever is longer,".

On page 6, line 7, after "hours" insert "or 1 business day, whichever is longer,".

#### AMENDMENT NO. 2965

(Purpose: To ban employment negotiations to become lobbyists by Members of Congress and required recusal for senior congressional staff while in office)

At the appropriate place insert the following:

#### SEC. \_\_\_\_ . BAN ON IN OFFICE EMPLOYMENT NEGOTIATIONS.

(a) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. (a) A member of the Senate shall not negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist.

"(b) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall recuse himself or herself from working on legislation if a conflict of interest or an appearance of a conflict of interest might exist as a result of negotiations for prospective private employment.

"(c) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph."

(b) CRIMINAL PROVISION.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

"(e) PROHIBITION ON EMPLOYMENT NEGOTIATIONS WHILE IN OFFICE.—

"(1) IN GENERAL.—No officer or employee of the executive branch of the United States Government, an independent agency of the United States, or the Federal Reserve, who is compensated at a rate of Executive Schedule Level I, II, or III, shall negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist, as determined by the Office of Government Ethics.

"(2) PENALTY.—A violation of this subsection shall be punished as provided in section 216."